

REMARKS

Claims 124-142 and 144 are currently pending and under examination in the present application. Claims 124-143 are rejected as unpatentable under 35 U.S.C. 103(a) over Singer et al., WO 00/32203 ("Singer") in view of Garcia et al., U.S. Patent No. 6,528,492 ("Garcia").

Applicants hereby enclose a Rule 132 declaration from Dr. Bruno C. Hancock which shows that the claimed substantially pure azithromycin monohydrate hemi-ethanol solvate possess the superior property for tableting over non-substantially pure azithromycin monohydrate hemi-ethanol solvate. Therefore, the pending claims are nonobvious over the combination of Singer and Garcia because "superiority of a property shared with the prior art is evidence of nonobviousness," M.P.E.P. § 716.02 (a). Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

CONCLUSION

In view of the Rule 132 declaration and the remarks, further and favorable considerations of the presently pending claims and the issuance of a Notice of Allowance are respectfully requested.

It is believed that no fee is required in connection with the filing of the present Second Supplemental Response. However, if any fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 16-1445.

Respectfully submitted,

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